

**REMARKS**

In the Office Action, claims 1-21 were rejected under 35 U.S.C. 102(e) as being anticipated by Suumaki et al. (US Patent Application Publication 2001/0007137 A1, "Suumaki").

Pending claims 1-21 have been cancelled and new claims 22-42 have been added. Previously  
5 pending were a total of 21 claims, four of which were independent. Now pending are a total of 21 claims, four of which are independent. Thus, no new additional claim fees are due.

New claims 22-42 more clearly address aspects of the present invention relating to the use of both physical layer Automatic Retransmission reQuest (ARQ) operations and upper layer ARQ operations on a mobile station (or on a base station). New claims 22-42 also require  
10 limitations relating to the coordination of physical layer ARQ operations with upper layer ARQ operations on a mobile station (or on a base station). Dependent claims 25, 30, 36, and 41, which depend from claims 22, 27, 32, and 38, respectively, call out the upper protocol layer is a link layer.

Suumaki addresses error detection and error recovery operations that occur within the link layer, and more particularly concerns interaction between the RLC sublayer and the PDCP sublayer,  
15 both of these sublayers being part of the link layer (Layer 2=Data Link Layer). Suumaki and/or the other cited references fail to disclose, suggest, or teach the support of both physical layer ARQ operations and upper layer ARQ operations on a base station (or a mobile station) as required by new claims 22-42. Suumaki and/or the other cited references also fail to disclose, suggest, or teach the coordination of physical layer ARQ operations with upper layer ARQ operations on a mobile  
20 station (or on a base station) as required by new claim 22-42. For these reasons, Suumaki (or any of the other cited references) fails to anticipate any of claims 22-42. Further any and all combinations of the cited references fail to render obvious any of claims 22-42.

All claims are now allowable and a notice of allowance is courteously solicited. Please direct any questions or comments to the undersigned attorney. Applicants believe that all

required fees have been/are being paid. However, if any additional fees are required, please debit such fees from Deposit Account No. 50-2126.

Respectfully submitted,

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By: 

Bruce E. Garlick, Reg. 36,520

**Garlick, Harrison & Markison, LLP**

P.O. Box 160727

Austin, TX 78716-0727

(512) 264-8816

(512) 264-3735 fax